



**IOWA DEPARTMENT OF NATURAL RESOURCES**

**July 5, 2007**

**For immediate release**

- 1. EPC approves for public comment proposed rule changes to air quality regulations for ethanol production facilities**
- 2. Untreated wastewater bypass in Grand Mound**
- 3. Iowa State University and DNR collaborate on biodiesel blends study**
- 4. Toxic heavy metals present in retail packaging**
- 5. DNR enforcement actions**

## **EPC APPROVES FOR PUBLIC COMMENT PROPOSED RULE CHANGES TO AIR QUALITY REGULATIONS FOR ETHANOL PRODUCTION FACILITIES**

**MEDIA CONTACT: Christine Paulson, Senior Environmental Specialist, (515) 242-5154**

DES MOINES — The Environmental Protection Commission (EPC) approved for public comment proposed rule changes to air quality regulations for ethanol production facilities during their regular meeting July 2. The changes proposed by the Iowa Department of Natural Resources will adopt U.S. Environmental Protection Agency (EPA) amendments into the Iowa Administrative Code.

On April 12, 2007, the EPA modified the definition of “chemical process plants” as it applies to one of three Clean Air Act permitting programs. New ethanol plants or planned expansions previously permitted to emit up to 100 tons per year of any regulated pollutant before becoming subject to Prevention of Significant Deterioration (PSD) preconstruction permits will be allowed to emit up to 250 tons per year. There are currently eight new projects or expansions of ethanol production plants that have submitted applications to the DNR Air Quality Bureau that may be affected by this

change. Ethanol plants which have already obtained preconstruction or operating permits will remain in effect.

The new rules also state that ethanol processing plants no longer need to include fugitive emissions in determining applicability for the PSD and Title V programs. Fugitive emissions are emissions that do not come from process stacks or vents (i.e. dust from road use or dust from unloading carbohydrate feed stocks).

Catharine Fitzsimmons, DNR air quality bureau chief, emphasized that all ethanol production facilities are required to meet pollution limits and the revisions will not contribute to air quality that will violate National Ambient Air Quality Standards. “These changes also support Iowa’s energy independence goals by giving smaller, independent ethanol producers more leeway in getting their facilities up and running.”

The proposed rules will be available for review and comment upon publication in the Iowa Administrative Bulletin (IAB) on August 1. At that time, links to the proposed rules will be available at [www.legis.state.ia.us/Rules/Current/Bulletin/](http://www.legis.state.ia.us/Rules/Current/Bulletin/) and at [www.iowacleanair.com](http://www.iowacleanair.com).

A public hearing for these changes will be held Wednesday, September 5, at 10 a.m. in the conference rooms at the DNR’s Air Quality Bureau located at 7900 Hickman Road, Urbandale. Comments concerning the changes may be submitted orally or in writing. All comments must be received no later than September 6, 2007.

*Writer: Mindy Kralicek*

# # #

## **UNTREATED WASTEWATER BYPASS IN GRAND MOUND**

### **MEDIA CONTACT: Paul Brandt at 319-653-2135**

GRAND MOUND – An unknown amount of wastewater was released from Grand Mound’s northside lift station after excess rains overwhelmed the city’s sewer system.

Untreated wastewater was discharged to the city’s storm sewer from the lift station starting around 12:30 a.m. Wednesday. About 4 to 5 inches of rain fell in the area and as a result, the lift station pumps could not keep up with the flow.

The city used two additional pumps to discharge the wastewater to their storm sewer that runs to a creek outside city limits. The unnamed tributary flows into the Wapsipinicon River, located around five miles from the area. The city bypassed the wastewater to prevent the overflow from backing up into residents’ basements.

Darrel Warren, wastewater operator from the Grand Mound Treatment Plant, reported to DNR officials the bypass had stopped by 11 Wednesday morning. Grand Mound is planning a project to reline its sewers later this year.

The DNR is currently working with cities to evaluate wastewater systems and to implement upgrades where appropriate to reduce the number of sewage bypasses and overflows in the state.

*Writer: Holly Williams*

# # #

## **IOWA STATE UNIVERSITY AND DNR AIR QUALITY BUREAU COLLABORATE ON BIODIESEL BLENDS STUDY**

**MEDIA CONTACT: Jim McGraw, Program Development Supervisor, (515) 282-5167**

DES MOINES — The Environmental Protection Commission approved a contract between the DNR and Iowa State University for the study of different blends of biodiesel on engine and vehicle performance as well as subsequent air emissions. The study is funded by a grant from the Central States Air Resource Agencies.

ISU's Center for Transportation Research and Education will test and quantify performance of blending different fractions of biodiesel with ultra low sulfur diesel. Performance will be evaluated with 0 percent biodiesel and then replicated with 2 percent, 5 percent, 10 percent and 20 percent biodiesel. Both field tests and laboratory engine dynamometer tests will be conducted. The DNR's air quality bureau will provide grant management and technical assistance.

Study results will help entities such as trucking companies and transit agencies evaluate emissions reduction from dedicated use of a particular biodiesel blend and the feasibility of using dedicated fleet refueling stations. Agencies concerned with reducing pollutants will be able to forecast emissions reductions from control strategies to encourage biodiesel use.

*Writer: Mindy Kralicek*

# # #

## **TOXIC HEAVY METALS PRESENT IN RETAIL PACKAGING**

**MEDIA CONTACT: Kathleen Hennings: 515-281-5859 or [kathleen.hennings@dnr.state.ia.us](mailto:kathleen.hennings@dnr.state.ia.us)**

DES MOINES — Added protections to existing State of Iowa legislation became effective July 1, 2007, giving the State the enforcement authority to issue penalties for violations of the Toxics in Packaging laws when toxic heavy metals are found in packaging products at higher than acceptable levels set by Iowa Law.

The legislation gives the State the ability to issue a notice of violation and allows distributors 60 days to coordinate with manufacturers after a notice of contaminated packaging is found. Manufacturers are then expected to recall products from distributors and retailers and arrange alternate packaging with suppliers. Those found in non-compliance can face up to a \$10,000 fine for each contaminated package.

The State of Iowa has the capacity to test and continually monitors retail packaging for toxic metals. Last year, the DNR's Energy and Waste Management Bureau, in partnership with the Iowa Hygienic Laboratory, promptly tested Coca-Cola bottles on shelves in Iowa after bottles in California were found to contain potentially unsafe levels of lead in the labels. The bottles in Iowa were determined to be safe and had originated from a different distributor than the contaminated bottles in California.

The additional provisions to the Toxics in Packaging Law come as the Toxics in Packaging Clearinghouse (TPCH) released the first broad-based study on toxic metals in packaging. The study found that toxic heavy metals such as lead, mercury, cadmium and hexavalent chromium are present in retail packaging: 16 percent of the 355 packaging samples tested contained levels exceeding standards set in Iowa and adopted by many states across the country.

Products are sold in retail stores ranging from upscale department stores to discount chain-retailers across the United States. The packaging containing these toxic metals typically originates from manufacturers in China or other Asian countries that add heavy metals to packaging products as stabilizers and are also contained in the inks used in packaging.

Tests were conducted on a variety of packaging products including plastic, paper and paperboard, metal, and glass. Plastic bags made from polyvinylchloride (PVC) were the most likely to contain the metals, with over 60 percent of the tested bags containing unacceptable levels of one or more of the heavy metals. PVC bags were used to package items including toys, pet supplies, bedding products and other home furnishings. Plastic shopping and mailing bags were also found to have high concentrations of the heavy metals, most often lead, although mercury and chromium were also found in the ink and colorants printed on the bags.

When notified of the potential violations, most of the companies selling these products removed the items from the shelves and changed suppliers, arranging for alternate, safe packaging materials for their products.

While packaging containing toxic metals poses minimal immediate risk to humans and animals, as the packaging is discarded and begins to deteriorate as litter or in landfills, the metals are released into the environment. Iowa's Toxics in Packaging Laws are designed to reduce and hopefully eliminate potential risk from packaging products.

*Writer: Emily Grover*

###

## **DNR ENFORCEMENT ACTIONS**

**MEDIA CONTACT: Jessie Brown at (515) 281-5131.**

DES MOINES — The DNR took the following enforcement actions in May and June 2007, unless otherwise noted. The following are only briefs; please contact Jessie Brown of the DNR for more information at (515) 281-5131.

Enforcement actions, including copies of the original orders and contact information, are available on the DNR's Web site at [www.iowadnr.gov/legal/eactions.html](http://www.iowadnr.gov/legal/eactions.html). The Web listing will begin with orders first taken in 2007.

### **Consent Orders**

A consent order is issued as an alternative to issuing an administrative order. A consent order indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

#### **Carroll County**

- The City of Willey agreed in a consent order to conduct all training fires and demolition burns in accordance with Iowa code, to properly dispose solid waste materials and to pay a \$3,000 penalty. The consent order is in regard to air quality and solid waste violations stemming from demolition of a house and bar in Willey.
- E & F Custom Pumping, Inc., of Carroll, agreed in a consent order to pay a \$4,500 penalty. The consent order is in regard to manure application violations and manure reaching an unnamed tributary of Hog Branch of the East Fork 102 River in Taylor County.

#### **Dallas County**

- The City of Linden agreed in a consent order to comply with an implementation schedule for the construction of a new wastewater treatment facility and to stipulated penalties if deadlines are not met.

#### **Jones County**

- James Hogan, of Monticello, agreed in a consent order to pay a \$2,500 penalty. The consent order is in regard to failure to timely submit a complete Iowa Phosphorus Index manure management plan (MMP) for a site in Jones County.

#### **Kossuth, Polk Counties**

- Grand Prix Industries, Inc., of West Des Moines, agreed in a consent order to pay a \$1,500 penalty. The consent order is in regard to failure to timely submit an Iowa Phosphorus Index manure management plan (MMP) update for a site in Kossuth County.

**Lee County**

- Sebergen Pigs, Inc., of West Point, agreed in a consent order to establish permanent measurement devices in manure storage cells, submit quarterly reports regarding manure storage and application, and pay a \$7,500 penalty. The consent order is in regard to animal feeding operation violations at a swine confinement operation in Lee County.

**Mills, Pottawattamie Counties**

- River Bend Farms, Inc., and Ken Root, both of Council Bluffs, agreed in a consent order to cease all open burning of tires and other solid waste, submit proof of proper disposal to the DNR and pay a \$1,200 penalty. The consent order is in regard to air quality and solid waste violations at a site in Mills County.

**Osceola County**

- Steve Frick, of Sibley, agreed in a consent order to submit a construction approval application and plans and specifications for a new confinement building; submit an original manure management plan; and pay a \$5,000 penalty. The consent order is in regard to failure to obtain a construction permit for a swine confinement building at a site in Osceola County.

**Woodbury County**

- John Morrell and Company, of Sioux City, agreed in a consent order to retain a certified operator for its public water supply in its Sioux City facility and to pay a \$5,400 penalty.

**Consent Amendments**

A consent amendment is issued in settlement of a previous administrative order or to amend a pre-existing consent order. A consent amendment indicates that the DNR has voluntarily entered into a legally enforceable agreement with the other party.

**Shelby County**

- Natural Pork Production II, LLC, of Harlan, agreed in a consent amendment to comply with manure management plan and application requirements, and to pay a \$1,000 penalty. This amends a 2003 administrative order regarding alleged animal feeding operation violations.

**Woodbury County**

- Michael Drae, of Sergeant Bluff, agreed in a consent amendment to pay a \$3,000 penalty. This amends a 2006 administrative order regarding alleged air quality violations.

*Writer: Jessie Brown*

